In the High Court of Judicature at Madras

Dated: 07/07/2004

Coram

The Hon'ble Mr. Justice R. Balasubramanian

Writ Petition No. 19074 of 2004
and
WPMP.No.22950 and 22951 of 2004

R.Arockiasamy .. Petitioner

-vs-

1. The District Collector,
Sivagangai.

2. The President,
Sarugani Panchayat Board,
Sarugani-623 405. .. Respondents

Petition under Article 226 of the Constitution of India praying for issuance of a writ of Certiorari, call for the records of the file of the 2nd respondent in connection with the order passed by him in the resolution dated 21.2.02 served on the petitioner on 20.7.02 and quash the same.

!For petitioner : Mr.R.Singaravelan

^For 1st respondent : Mr.R.Vijayakumar
Government Advocate

:O R D E R

Admit. Mr. R. Vijaya Kumar, learned government Advocate takes notice for the 1st respondent. Under the impugned order the petitioner is informed that the second respondent Panchayat had unanimously decided for his removal and hence, the petitioner is before this Court stating that there may be a resolution by the Panchayat removing him for the reasons noted in that resolution, but that by itself would not amount to an order removing the petitioner from service.

2. According to the learned counsel for the petitioner if the second respondent wants to implement the resolution, he must give a show cause notice to the petitioner putting him on notice about the grounds on which he has to be removed and then, after complying with the legal formalities only, his

client can be removed. The submission made by the learned counsel for the petitioner is right. In similar cases earlier, such submission was accepted.

3. Accordingly, the writ petition shall stand disposed of in the following lines :

" The resolution dated 21.02.2002 challenged in this writ petition is left open to be decided with the following directions :
If the second respondent wants to implement the resolution, he is bound to give a show cause notice to the petitioner informing him about the grounds on which he is liable to be removed; get his explanation; hold an enquiry and then take a decision on the finding given in the enquiry in accordance with law."

Connected miscellaneous petitions are closed.

gp

To
The District Collector,
Sivagangai.